



**CUYAHOGA COUNTY
AGENCY OF INSPECTOR GENERAL**

REPORT OF INVESTIGATION

CASE NUMBER: INVEST-000486

SUBJECT(S) INFO:
Name: Lisa Rogers
Position: Inspector
Department: Fiscal Office (Weights and Measures Division)

SOURCE OF REFERRAL: County Employee

METHOD OF REFERRAL: Telephone

INITIATED: May 4, 2012

DATE OF REPORT: August 20, 2012

ALLEGATION(S)

Lisa Rogers ("Rogers") falsifies the data in her inspection reports and forges store manager signatures.

AUTHORITY

Cuyahoga County Agency of Inspector General Ordinance Section 2(c):

The Inspector General is hereby appointed to conduct examinations under Section 2.05 of the County Charter and shall, therefore, have all such rights and duties to investigate fraud, corruption, waste, abuse, misfeasance, malfeasance, and nonfeasance without interference or pressure from any other Public Official or Employee.

COMPLAINT SUMMARY

In May 2012, a County employee approached the Director of Operations for the Fiscal Office, Eric Richter ("Richter"), with an allegation that Rogers was falsifying her inspection reports. Richter forwarded the complaint to the Agency of Inspector General ("AIG") for review. The AIG subsequently met with the Complainant regarding the allegations. Complainant alleged that Rogers falsifies inspection reports and does not perform the required inspections. Complainant stated that this behavior has occurred for "several years". Prior complaints, however, were "swept under the rug" by Rogers' mother, Sandy Klimkowski ("Klimkowski"), who served in the administration of former County Auditor Frank Russo ("Russo").

BACKGROUND

Weights and Measures Division

The Cuyahoga County Fiscal Officer ("Fiscal Officer") exercises all powers and performs all duties now or hereafter vested in or imposed by general law upon county auditors and county recorders and the powers and duties of clerks of the court of common pleas other than those powers and duties related to serving the operation of the courts. Pursuant to Section 319.55 of the Ohio Revised Code ("ORC"), the county auditor is the county sealer of weight and measures and is required to ensure that all state laws relating to weights and measures are strictly enforced throughout his/her county. Therefore, the Fiscal Officer is designated as the sealer of weights and measures for all of Cuyahoga County except for the City of Cleveland.¹

In order to "ensure that all state laws relating to weights and measures are strictly enforced" throughout Cuyahoga County, the Fiscal Officer is required² to perform the following duties:

- Inspect and test weights and measures that are sold;
- Inspect and test to ascertain if they are correct, weights and measures commercially used either:
 - In determining the weight, measure, or count of commodities or things sold on the basis of weight, measure, or count; or
 - In computing the basic charge or payment for goods or services rendered on the basis of weight, measure, or count;
- Test all weights and measures used in checking the receipt or disbursement of supplies in every institution, for the maintenance of which funds are appropriated by the Ohio General Assembly;
- Approve for use, and may mark, such weights and measures as the Ohio Director of Agriculture finds to be correct, and shall reject and mark as rejected such weights and measures as the Ohio Director of Agriculture finds to be incorrect; and
- Weigh, measure, or inspect packaged commodities that are sold or in the process of delivery to determine whether they contain the amounts represented and whether they are sold in accordance with sections 1327.46 to 1327.61 of the Revised Code or rules adopted under those sections.³

¹ Pursuant to ORC §1327.52 the jurisdiction of a county official shall not extend to any municipal corporation for which a weights and measures official has been appointed. The City of Cleveland is the only municipal corporation in Cuyahoga County that has appointed a weights and measures official.

² See ORC §1327.52.

³ See ORC §1327.50(I) thru (M).

The Fiscal Officer is granted the authority to enter commercial premises during business hours where the commercial entity is open to the public in furtherance of the above-cited duties.⁴ The Fiscal Officer is also permitted to issue stop-use/sale, hold, and removal orders regarding equipment and products and can seize any incorrect or unapproved weight or measure or package that is in violation of the law.⁵

The Fiscal Officer is also granted the authority to appoint one or more inspectors to assist in the performance of the required duties relating to weights and measures. Accordingly, the Fiscal Officer oversees the Weights and Measures Division ("Weights and Measures") within the Cuyahoga County Fiscal Office ("Fiscal Office"). Inspectors employed in Weights and Measures are responsible for checking various devices and forms of packaging for accuracy, including, but not limited to, the following:

- Bar code scanners;
- Gas pumps;
- Scales at grocery stores, meat counters, and produce departments; and
- Method of sale of packaged consumer products to verify accuracy of labeled weight, volume, count and measure.

Weights and Measures Inspectors perform these checks by conducting on-site inspections as authorized by State law.⁶ Depending on the nature of the particular inspection, the inspections are documented by completing an approved inspection report form. One copy of the report form is left with the subject store while the original copy is returned to management for Weights and Measures at the end of each week.

Lisa Rogers

On April 21, 1999, Rogers was hired by the former Cuyahoga County Auditor's Office ("Auditor's Office") as an Office Assistant (\$15.00/hour - \$27,300.00/annual⁷). Rogers' title was changed to Inspector with the Department of Weights & Measures on May 3, 2004 (\$21.3737/hr. - \$38,900.16/annual⁸).

Rogers' employment with Cuyahoga County was terminated on May 14, 2010 for failure "to follow the policies of Attendance and Absenteeism as depicted in the Auditor's Policies and Procedures Manual."⁹ On December 4, 2011, however, Rogers was reinstated to her position in the Fiscal Office (\$26.4156/hour - \$ 48,076.39/annual¹⁰)

⁴ See ORC §1327.51(A)(1).

⁵ See ORC §1327.51(A)(2) and (3).

⁶ See footnote 4, *supra*.

⁷ Based on a thirty five (35) hour workweek.

⁸ Based on a thirty five (35) hour workweek.

⁹ See letter from Destin Ramsey to Rogers dated May 14, 2010, attached hereto as **Exhibit A**. See also memorandum from Destin Ramsey to Personnel File, attached hereto as **Exhibit B**.

¹⁰ Based on a thirty five (35) hour workweek.

based on an arbitration ruling from the State Personnel Board of Review overturning the termination.

Effective March 25, 2012, Rogers' wage rate was reduced to \$ 21.74/hour (\$45,219.20/annual¹¹) and her regular workweek was increased to forty (40) hours per week as part of the County's pay/workweek equity study.

A review of Rogers' personnel file indicates that she has been subjected to the following two disciplinary actions:

- Rogers was suspended without pay from May 10, 2006 at 12:00 p.m. through May 22, 2006 at 8:00 a.m. for inappropriate behavior involving an altercation with an employee at a gas station during an inspection¹²; and
- Rogers was issued a verbal reprimand on August 20, 2009 for inappropriate behavior involving an altercation with a co-worker.¹³

Rogers' personnel file contained one performance evaluation, which rated her performance as "meeting expectations" for the period from December 12, 2011 to December 31, 2011.

INVESTIGATION SUMMARY

Employee Interviews

Thomas Dobeck (Weights and Measures Supervisor) – May 8, 2012; June 8, 2012; and July 13, 2012

Thomas Dobeck ("Dobeck") was hired by Cuyahoga County on February 10, 1997. Dobeck spent the bulk of his tenure with the County in Weights and Measures as an Inspector. On January 17, 2012, Dobeck began serving as the temporary supervisor for Weights and Measures due to the death of the former supervisor, Donald Tomaro ("Tomaro"). Effective May 20, 2012, Dobeck was permanently promoted to the position of supervisor for Weights and Measures.

Dobeck reports that Weights and Measures Inspectors work a set schedule of Monday through Friday from 8:00 a.m. to 4:00 p.m. The Inspectors work primarily offsite and are required to provide their own transportation. The County reimburses the Inspectors for mileage incurred while performing their daily duties. Each Inspector is assigned a territory that includes several cities within Cuyahoga County. Inspectors are responsible for completing the required inspections for stores located in their assigned territory, but each Inspector sets his or her own daily store schedule.

Dobeck indicates that Inspectors are required to report to their first inspection site by 8:00 a.m. and are not permitted to leave their final inspection site until 4:00 p.m.

¹¹ Based on a forty (40) hour workweek.

¹² See Personnel Note to File from Joel Sacco dated May 10, 2006, attached hereto as **Exhibit C**.

¹³ See Disciplinary Note dated August 20, 2009, attached hereto as **Exhibit D**.

Inspectors are required to call the main office to report their location at the start of the shift, lunch time and at the end of the shift. The call-in information is recorded in a daily phone log. Each Inspector's productivity is measured by the number of inspection forms submitted to the Weights and Measures supervisor at the end of each week.

Every Friday morning the inspectors attend a mandatory one hour meeting at the main office. Completed work is submitted and new work is assigned during this meeting.

According to Dobeck, Weights and Measures functions are mandated by Ohio Revised Code but Weights and Measures does not have a policy and procedure manual to guide the Inspector's daily activities.

Upon her return to the County in December 2011, Rogers was assigned to a territory that consists of Lakewood, Beachwood, Maple Heights, Bedford, Bedford Heights, Oakwood, Brecksville and Independence. Dobeck indicates that Rogers is still assigned to this territory. Dobeck states that he heard rumors in the past regarding Rogers falsifying her inspection reports, but did not believe that there was any investigation into the matter by the prior administration.

Document Review

Weights and Measures keeps inspection reports archived for 2 years. Dobeck turned over all inspection reports completed by Rogers and phone log records for all working days between March 23, 2012 and May 30, 2012. Additionally, Dobeck forwarded all archived reports that were completed in Rogers' territory (with the exception of Beachwood from 2011, which could not be located) from 2010 and 2011.

All mileage reimbursement requests from employees of Weights and Measures from March 23, 2012 through May 27, 2012 were reviewed. These records, though, contain no requests for reimbursement from Rogers.

Verification of Inspection Reports

The AIG initiated a verification survey of all inspection reports submitted by Rogers on ten (10) randomly selected work days. The verification survey involved the following steps:

- Interview of store managers and employees at each of the stores cited on the selected inspection reports;
- Submittal of requests for written statements¹⁴ with copy of relevant inspection report and a photograph of Rogers to store managers and employees that were present on the date of the inspection report for his/her store; and
- Comparison of the selected inspection reports to prior inspection reports from the same store employees.

¹⁴ Exhibit E.

The following is a summary of the relevant findings of this verification survey:

March 27, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for March 27, 2012¹⁵ indicates that Rogers reported that her first inspection was at the Caribou Coffee in Beachwood. The Weights and Measures p.m. call-in report for Rogers on March 27, 2012¹⁶ was illegible. The following is a summary of the review of each inspection report submitted by Rogers on March 27, 2012:

(1) Caribou Coffee - 2101 Richmond Rd, Beachwood, OH

Rogers submitted a Scale Test Report¹⁷ that indicated she inspected a "Hobart" scale at the Caribou Coffee store on March 27, 2012. The manager of this store, Nathaniel Coumos ("Coumos"), was interviewed by AIG Investigator Mark Cutright ("Cutright") on June 4, 2012. Coumos stated that the name signed on the employee signature line appeared to be "Alan Jarvis". Coumos confirmed that there was no employee named Alan Jarvis working at the store on March 27, 2012. According to the employee schedule¹⁸ provided by Coumos, the following employees worked on March 27, 2012:

- Kattera Brown;
- Nathaniel Coumos (Manager);
- Michael Fluellen;
- Frederick Knight;
- Darjanet Lindsey;
- Jennifer Romito (Manager);
- Monika Soloman; and
- Gregory Toth.

After the interview, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(2) Godiva Chocolate - 26300 Cedar Road, Beachwood, OH

Rogers submitted a Scale Test Report¹⁹ indicating that she inspected a "Mettler Toledo" scale at the Godiva Chocolate store on March 27, 2012. A manager at this store, Natalie Hill ("Hill"), was interviewed by Cutright on May 17, 2012. Hill did not recognize the signature on the inspection report and was unable to locate a copy of the report in the store records. Hill indicated that the following employees worked on March 27, 2012:

- Sam Kovacs;
- Kat Cade; and
- Natalie Hill (Manager).

¹⁵ Exhibit F-1.

¹⁶ Exhibit F-2.

¹⁷ Exhibit F-3.

¹⁸ Caribou Coffee employee list for March 27, 2012 attached as Exhibit F-4.

¹⁹ Exhibit F-5.

Hill states that she worked from 9:30 a.m. to 10:00 p.m. on March 27, 2012. Hill indicates that she did not sign the Scale Test Report form or speak with a representative from Weights and Measures. According to Hill, the signature on the form could be "Candey Asbery". Hill states that Candey Asbery was the store manager until she left in 2010.

Rogers' report indicates that she tested a "Mettler Toledo" scale (model- 842/Comp) on March 27, 2012. On May 17, 2012, the scale located in the store was a CAS 5200 (Serial #FR0400522)²⁰. Hill stated that the Mettler Toledo scale for her store was replaced with the CAS 5200 in May 2011.

On June 4, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(3) Teavana - 26300 Cedar Road, Beachwood, Ohio

Rogers submitted a Scale Test Report²¹ indicating that she inspected a scale at the Teavana store on March 27, 2012. On June 4, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(4) Starbucks - 22841 Chagrin Blvd, Beachwood, OH

Rogers submitted a Scale Test Report²² indicating that she inspected a "Mettler Toledo" scale at the Starbucks store on March 27, 2012. A manager at this store, Rachel Carpenter ("Carpenter"), was interviewed by Cutright on May 17, 2012. Carpenter stated that the following employees worked at the store on March 27, 2012:

- Rachel Carpenter (Manager);
- Farrin Bonds (Manager);
- Ashley Gaylord;
- Fred Gunn;
- Deanna Patrick;
- Alana Ryder; and
- Lauren Smith.

Carpenter indicated that she worked from 12:00 p.m. to 9:00 p.m. on March 27, 2012. Carpenter stated that the name on the form appears to be hers but the signature is not accurate. Carpenter denied signing the document. Carpenter verified that the scale information listed on the inspection form matched the scale in the store.

On that same date, Cutright interviewed a second store manager, Farrin Bonds ("Bonds"). Bonds reviewed the Scale Test Report form prepared by Rogers and stated

²⁰ Photos of the scale located in Godiva Chocolatier's on May 17, 2012 attached as **Exhibit F-6**.

²¹ **Exhibit F-7**

²² **Exhibit F-8**

that the name on the form appears to be "Rachel Carpenter". Bonds stated that she worked on March 27, 2012 from 7:00 a.m. to 2:00 p.m. but she did not sign the form or speak with a representative from Cuyahoga County.

On June 4, 2012, Cutright left statement forms for management to complete and return to the AIG. As of July 17, 2012, the requested statements have not been received by the AIG.

(5) Cheryl & Co./ Fannie May Candies - 26300 Cedar, Beachwood, OH

Rogers submitted a Scale Test Report²³ that indicated she inspected two "Avery Berkel" scales at the Fannie May Candy store on March 27, 2012. An assistant manager at this store, Alyssa Frost ("Frost"), was interviewed by Cutright on May 17, 2012. Frost indicated that she did not sign the Scale Test Report. Frost agreed to show the inspection report to the store manager. On May 18, 2012, Frost sent Cutright an email²⁴ indicating that the signature on the inspection form was not from any of the employees at the Fannie May Candy store located in Beachwood Mall.

On July 3, 2012, Cutright obtained a written statement²⁵ from this store's manager, Steve Mann ("Mann"). Mann's statement indicates that the following employees worked at the store on March 27, 2012:

- Steve Mann 9:00 AM - 7:00 PM (Manager);
- Justin Dammons 12:00 PM -4:00 PM;
- Lesha King 4:00 PM – 9:30 PM; and
- LaQuisha Becks 7:00 PM – 9:30 PM.

According to Mann's written statement, the signature on the Scale Test Report does not match any of these employees' signatures. In addition, Mann states that he does not recognize Rogers and had no interaction with Rogers on March 27, 2012. Mann states that Rogers was not in the store on March 27, 2012.

(6) Sweet Factory - 26300 Cedar Rd., Beachwood, OH

Rogers submitted a Scale Test Report²⁶ that indicated she inspected two (2) "Mettler Toledo" scales at the Sweet Factory store on March 27, 2012. On June 4, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

²³ Exhibit F-9.

²⁴ Exhibit F-10.

²⁵ Exhibit F-11.

²⁶ Exhibit F-12.

April 3, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 3, 2012²⁷ indicates that Rogers reported that her first inspection was at the Wal-Mart in Bedford. The Weights and Measures p.m. call-in report for Rogers on April 3, 2012²⁸ indicates that Rogers reported that her last inspection was at the Wal-Mart in Bedford. The following is a summary of the review of each inspection report submitted by Rogers on April 3, 2012:

(1) Wal-Mart - 22209 Rockside, Bedford, OH

Rogers submitted a Scanner System Inspection Report²⁹ that indicated she inspected the UPC scanner system at Walmart on April 3, 2012. Rogers also submitted a Package Checking Report³⁰ that indicated she checked prepackaged items in the meat department on April 3, 2012. On June 4, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(2) Dollar General - 5600 Northfield, Maple Heights, OH

Rogers submitted a Scanner System Inspection Report³¹ that indicated she inspected the UPC scanner system at Dollar General on April 3, 2012. This inspection report appears to be signed by an employee named "Sylvia". On June 8, 2012, Cutright obtained a written statement³² from store manager William Wimberly ("Wimberly"). According to Wimberly's written statement, the following employees worked at the store on April 3, 2012:

- Jeffery (No longer employed at Dollar General);
- Chalisa Lemons; and
- Lashawn Rose.

Wimberly indicated he was not aware of anyone named "Sylvia" working at the store in the last four (4) years. Wimberly stated that Jeffery was the only employee working on April 3, 2012 authorized to sign documents.

Cutright also obtained statements from store employees Janelle Stewart-Thomas ("Stewart-Thomas")³³ and Cleo Vince ("Vince")³⁴. Stewart-Thomas' statement indicates that the store has not employed a person named Sylvia during the four (4) years she has worked at the store. Stewart-Thomas could not locate the yellow store copy of the inspection report. She recalled a female coming to perform an inspection "early in this year", but stated that it was usually an older male who performed the inspections.

Vince's statement indicates that he was not at work on April 3, 2012. Vince, however, indicated that the store does not have an employee by the name of "Sylvia".

²⁷ Exhibit G-1.

²⁸ Exhibit G-2.

²⁹ Exhibit G-3.

³⁰ Exhibit G-4.

³¹ Exhibit G-5.

³² Exhibit G-6.

³³ Exhibit G-7.

³⁴ Exhibit G-8.

April 11, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 11, 2012³⁵ indicates that Rogers reported that her first inspection was at the Bi Rite in Maple Heights. The Weights and Measures p.m. call-in report for Rogers on April 11, 2012³⁶ indicates that Rogers reported that her last inspection was at either the Bi Rite in Maple Heights or D&R Meats in Maple Heights.

(1) D&R Meats - 21500 Libby Road, Maple Heights, OH

Rogers submitted a Package Checking Report³⁷ that indicated she checked prepackaged items at D&R Meats on April 11, 2012. This document appears to be signed by a store employee named "Dave Fender". A review of an archived inspection report from October 21, 2011³⁸ reveals that a store employee named "Dave Fender" also signed each of the three pages in this inspection report. The "Dave Fender" signature on the April 11, 2012 inspection report, however, appears to be markedly different than the three signatures on the October 21, 2011 report pages.

(2) Bi-Rite - 15870 Broadway Avenue, Maple Heights, OH

The records received by the AIG did not include an inspection report for Bi-Rite on April 11, 2012.

April 12, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 12, 2012³⁹ indicates that Rogers reported that her first inspection was at the Sapell's in Lakewood. The Weights and Measures p.m. call-in report for Rogers on April 12, 2012⁴⁰ indicates that Rogers reported that her last inspection was at Marc's in Lakewood.

(1) Sapell's - 1314 West 114th, Lakewood, OH

Rogers submitted a Package Checking Report⁴¹ that indicated she checked prepackaged items at Sapell's on April 12, 2012. This document appears to be signed by a store employee named "Barbara Wonkovich". A review of archived inspection reports from August 15, 2011⁴², November 2, 2011⁴³ and December 15, 2011⁴⁴ reveals that a store employee named "Barbara Wonkovich" also signed each of these reports. While the signatures on these three archived reports are virtually identical, the signature on the April 12, 2012 report prepared by Rogers appears to be markedly different.

³⁵ Exhibit H-1.

³⁶ Exhibit H-2.

³⁷ Exhibit H-3.

³⁸ Exhibit H-4.

³⁹ Exhibit I-1.

⁴⁰ Exhibit I-2.

⁴¹ Exhibit I-3.

⁴² Exhibit I-4. Inspection Report prepared by Inspector Capretta.

⁴³ Exhibit I-5. Inspection Report prepared by Inspector Capretta.

⁴⁴ Exhibit I-6. Inspection Report prepared by Inspector Capretta.

(2) Marc's - 14861 Detroit, Lakewood, OH

The records received by the AIG did not include an inspection report for Marc's on April 12, 2012.

April 16, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 16, 2012⁴⁵ indicates that Rogers reported that her first inspection was at the Heinen's in Brecksville. The Weights and Measures p.m. call-in report for Rogers on April 16, 2012⁴⁶ indicates that Rogers reported that her last inspection was at the CVS in Brecksville. The following is a summary of the review of each inspection report submitted by Rogers on April 16, 2012:

(1) Heinen's - 8383 Chippewa Rd., Brecksville, OH

Rogers submitted Package Checking Reports⁴⁷ that indicated she checked prepackaged items in Heinen's on April 16, 2012. This inspection report appeared to be signed by an employee with the first name "Pat" and a last name beginning with a "K". On June 7, 2012, Cutright obtained a written statement⁴⁸ from store general manager Thomas Phillips. According to Phillips' written statement, only store managers are authorized to sign the inspection reports. Thomas Phillips, Andrea Billups and Tony Salupo were the store managers that worked on April 16, 2012. Phillips states that he worked 8 a.m. to 6 p.m. on April 16, 2012. Phillips did not sign the form and did not interact with anyone from Weights and Measures on April 16, 2012.

Upon reviewing the inspection report, Phillips indicated that the name signed on the report appears to be "Pat Kramer". Phillips indicated that Pat Kramer was the store manager of the Heinen's located at 8383 Chippewa Road, Brecksville, Ohio until he was assigned to another location in January of 2011.

The AIG reviewed archived inspection reports for this same store from May 10, 2010⁴⁹ and December 6, 2010⁵⁰. These two reports contain virtually identical signatures from an employee with the first name "Pat" and a last name beginning with a "K". While employee signature on the April 16, 2012 inspection report prepared by Rogers appears to be for the same name, the style of the signature is markedly different.

In addition, Cutright also secured statements from the two additional managers on duty on April 16, 2012, Anthony Salupo ("Salupo")⁵¹ and Andrea Billups ("Billups"). Salupo worked as the the packaged goods manager for this store from 9 a.m. to 6 p.m. on April 16, 2012. According to Salupo's written statement, Salupo did not interact with Rogers or any other County employee or sign the inspection report on April 16, 2012.

⁴⁵ Exhibit J-1.

⁴⁶ Exhibit J-2.

⁴⁷ Exhibit J-3.

⁴⁸ Exhibit J-4

⁴⁹ Exhibit J-6. Inspection report completed by Inspector Hirsh.

⁵⁰ Exhibit J-7. Inspection report completed by Inspector Hirsh.

⁵¹ Exhibit J-5.

Billups worked as store director for this store from 6:00 a.m. to 4 p.m. on April 16, 2012. According to Billups' written statement, she did not interact with Rogers or any other County employee on April 16, 2012. Billups also denied signing the inspection report. Additionally, Billups identified two large pricing discrepancies in the inspection report. For example, the inspection report listed caramelized pecans as \$8.99 per pound, while the store sells them at \$19.99 per pound.

(2) CVS - 7710 Chippewa, Brecksville, OH

Rogers submitted a UPC Scanner System Inspection Report⁵² that indicated she inspected the UPC scanner system at CVS on April 16, 2012. On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

April 17, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 17, 2012⁵³ indicates that Rogers reported that her first inspection was at the Drug Mart in Independence. The Weights and Measures p.m. call-in report for Rogers on April 17, 2012⁵⁴ indicates that Rogers reported that her last inspection was at the Nature's Bin in Lakewood. The following is a summary of the review of each inspection report submitted by Rogers on April 17, 2012:

(1) Drug Mart - 6160 Brecksville, Independence, OH

Rogers submitted a Package Checking Report⁵⁵ that indicated she checked prepackaged items from several different departments at Drug Mart on April 17, 2012. This inspection form contains the printed name "Jeff Meyer" on the store employee signature line. On June 21, 2012, Cutright obtained a written statement⁵⁶ from store manager Jeffrey Myers ("Myers") and store assistant manager Kyle Miller ("Miller"). According to his written statement, Myers and Miller were the only employees authorized to sign the package checking inspection report on April 17, 2012. On April 17, 2012, Myers worked from 7:00 a.m. until 1:45 p.m. Myers stated that he did not sign the inspection report or see Rogers in the store during his shift. According to Miller's written statement, he worked from 6:00 a.m. until 6:00 p.m. on April 17, 2012. Miller stated that he did not sign the inspection report or see Rogers in the store during his shift.

In addition, the AIG reviewed archived inspection reports for this same store from July 27, 2011⁵⁷ and November 22, 2011⁵⁸. The April 17, 2012 inspection report completed by Rogers appears to contain a misspelled ("Jeff Meyer") printed version of Jeffrey

⁵² Exhibit J-7.

⁵³ Exhibit K-1.

⁵⁴ Exhibit K-2.

⁵⁵ Exhibit K-3.

⁵⁶ Exhibit K-4.

⁵⁷ Exhibit K-5. Inspection report completed by Inspector Hirsh.

⁵⁸ Exhibit K-6. Inspection report completed by Inspector Hirsh.

Myers' name, while the archived reports contain virtually identical signatures for "Jeffrey Myers".

(2) Nature's Bin - 18120 Sloan, Lakewood, Ohio

Rogers submitted a Package Checking Report⁵⁹ that indicated she checked prepackaged items from the deli department at Nature's Bin on April 17, 2012. On June 4, 2012, Cutright met with customer service manager Karla Morisette ("Morisette"). Morisette stated that she did not sign the inspection form. Morisette, though, indicated that she would need to get approval from her district manager before asking employees to complete written statements.

On June 18, 2012, Cutright obtained a statement⁶⁰ from deli manager Josephine Duennes ("Duennes"). According to Duennes' written statement, the following employees worked on April 18, 2012 and were authorized to sign the inspection report:

- Vera Sieber – Deli Employee;
- Karla Morisette- Front end manager; and
- Sue Faulhaber- Office Manager.

Duennes stated that no member of the deli staff interacted with Rogers on April 18, 2012 and that the signature on the form does not belong to her or any of her staff members. Duennes does not have a copy of the inspection report completed on April 18, 2012.

Additionally, Duennes noticed discrepancies with many items listed in the inspection report. The container size and price listed for the tortillas, macaroni & cheese, redskin potatoes and rice pilaf herb potatoes are not accurate. The store does not carry spaghetti with clams or chicken and rice as listed on the report. Duennes also believes the prices listed for the tilapia and salmon are not accurate.

April 18, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 18, 2012⁶¹ indicates that Rogers reported that her first inspection was at the Marc's in Lakewood. The Weights and Measures p.m. call-in report for Rogers on April 18, 2012⁶² indicates that Rogers reported that her last inspection was at the Drug Mart in Lakewood. The following is a summary of the review of each inspection report submitted by Rogers on April 18, 2012:

(1) Marc's - 14861 Detroit, Lakewood, OH

Rogers submitted Package Checking Reports⁶³ that indicated she checked prepackaged items in Marc's on April 18, 2012. On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

⁵⁹ Attached as **Exhibit K-7.**

⁶⁰ Attached as **Exhibit K-8**

⁶¹ **Exhibit L-1.**

⁶² **Exhibit L-2.**

⁶³ **Exhibit L-3.**

(2) Drug Mart - 11900 Detroit, Lakewood, OH

Rogers submitted Package Checking Reports⁶⁴ that indicated she checked prepackaged items in Drug Mart on April 18, 2012. On June 18, 2012, Cutright obtained a written statement⁶⁵ from store manager Kevin Schneider ("Schneider"). Schneider's indicates that he believes he was the manager working on April 18, 2012. As manager, he would have been the one authorized to sign on behalf of Drug Mart on "anything of importance". Schneider does not recall Rogers coming into his store on the day in question and he did not recognize the signature on the inspection form as being either his or from any of his employees.

April 19, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 19, 2012⁶⁶ indicates that Rogers reported that her first inspection was at the Lemon Berry in Brecksville. The Weights and Measures p.m. call-in report for Rogers on April 19, 2012⁶⁷ indicates that Rogers reported that her last inspection was at the Giant Eagle in Bedford. The following is a summary of the review of each inspection report submitted by Rogers on April 19, 2012:

(1) Giant Eagle - 900 Northfield Road, Bedford, OH

Rogers submitted Package Checking Reports⁶⁸ that indicated she checked prepackaged items at Giant Eagle on April 19, 2012. A manager at this store, Vince Miska ("Miska"), was interviewed by Cutright on May 15, 2012. Miska indicated that he did not recognize the signature on the inspection report and he was unable to locate a copy of the report in the store records. On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(2) Lemon Berry - 8483 Chippewa Road, Brecksville, OH

The records received by the AIG did not include an inspection report for Lemon Berry on April 20, 2012.

April 20, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 19, 2012⁶⁹ indicates that Rogers was in the office to begin her workday. The Weights and Measures p.m. call-in report for Rogers on April 19, 2012⁷⁰ indicates that Rogers reported that her last inspection was at the Walgreens in Brecksville. The following is a summary of the review of each inspection report submitted by Rogers on April 20, 2012:

⁶⁴ Exhibit L-4.

⁶⁵ Exhibit L-5.

⁶⁶ Exhibit M-1.

⁶⁷ Exhibit M-2.

⁶⁸ Exhibit M-3.

⁶⁹ Exhibit O-1.

⁷⁰ Exhibit O-2.

(1) Walgreens - 8966 Brecksville Rd, Brecksville, OH

Rogers submitted UPC Scanner System Inspection Reports⁷¹ that indicated she checked the UPC scanner system at Walgreens on April 20, 2012. A manager at this store, Diane Milnes ("Milnes"), was interviewed by Cutright on June 8, 2012. Milnes stated that the name signed on the employee signature line appeared to be "Alexia Anselm". Milnes, though, indicated that there was not an employee named "Alexia Anselm" employed by her store on April 20, 2012.

On June 5, 2012, Cutright left statement forms for employees working on April 20, 2012 to complete. The three statements provided to Cutright, however, were from employees that did not work on the date in question. A statement⁷² from service clerk John DiPadova ("DiPadova") indicates that he recalls interacting with Rogers at some point in the past, but not on April 20, 2012. DiPadova also stated that the signature April 20, 2012 inspection form is not from someone that works at this store.

Head photo specialist Beverly Hellstern ("Hellstern") submitted a statement⁷³ indicating that she recalled accompanying Rogers on an inspection in the store in February or early March 2012. The inspection, though, did not occur on April 20, 2012 because she was not at work on that date.

The third statement was provided by store employee Deborah Reynolds-Larimer ("Reynolds-Larimer"). Reynolds-Larimer recalls interacting with Rogers "earlier this year", but not on April 20, 2012. The interaction likely occurred in either February or March 2012.

April 23, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 23, 2012⁷⁴ indicates that Rogers reported that her first inspection was at the Beachwood Mall. The Weights and Measures p.m. call-in report for Rogers on April 23, 2012⁷⁵ indicates that Rogers reported that her last inspection was at the Beachwood Mall. The following is a summary of the review of each inspection report submitted by Rogers on April 23, 2012:

(1) Lane Bryant - 24083 Chagrin Blvd, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁷⁶ that indicated she inspected the UPC Scanner system at Lane Bryant on April 23, 2012. On June 19, 2012, Cutright obtained a written statement⁷⁷ from store manager Joanne Kahr ("Kahr"). According to Kahr's written statement, she worked on April 23, 2012 from 7:23 a.m. to 12:26 p.m. and from 1:02 p.m. to 6:35 p.m. Kahr indicates that the following employees worked on April 23, 2012:

⁷¹ **Exhibit O-3.**

⁷² **Exhibit O-4.**

⁷³ **Exhibit O-5.**

⁷⁴ **Exhibit P-1.**

⁷⁵ **Exhibit P-2.**

⁷⁶ **Exhibit P-3.**

⁷⁷ **Exhibit P-4.**

- Joanne Kahr (Manager);
- Cassandra Burt (Sales Associate);
- Donzetta Darden (Sales Leader); and
- Mattie Eafford (Stock Room).

Kahr indicates that no employee from the Cuyahoga County Fiscal Office was at the store on this date or any other date in 2012. Kahr does not recognize Rogers and has not interacted with her. Kahr acknowledges that it is her name written on the inspection report, but that it is not her signature. Kahr also notes several pricing errors on the inspection report. Primarily, Kahr notes that "90%" of the prices on the report are inaccurate because the store now ends most prices with \$.95. This change occurred "over the last two years." Kahr cites to her copy of the April 18, 2011 report to highlight this change.

Cassandra Burt ("Burt")⁷⁸ and Donzetta Darden⁷⁹, part-time sales leaders, both submitted written statements indicating they did not interact with Rogers.

An archived inspection report⁸⁰ signed by Lane Bryant Manager Kahr on April 18, 2011 was reviewed. The signature on the archived report is markedly different than the signature on the report submitted by Rogers. In addition, the prices on the archive report corroborate Kahr's statement regarding the pricing change.

(2) Williams Sonoma - 2101 Richmond Rd., Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁸¹ that indicated she inspected the UPC Scanner system at Williams Sonoma on April 23, 2012. Cutright obtained a written statement⁸² from store manager Patrick Honeycutt on July 3, 2012. According to Honeycutt's written statement, only store managers are authorized to sign the inspection reports. The following managers worked on April 23, 2012:

- Heide Cutri (Store Manager);
- Patrick Honeycutt (Store Manager);
- Kellie Sayle; and
- Cheryl Schoter.

Honeycutt indicated that he did not sign the inspection form and does not recall witnessing Rogers come into his store on the date in question. Honeycutt did, though, state that the name signed on the report appeared to be "Bobbi Thomas". Bobbi Thomas was a store manager at Williams Sonoma until December 2011.

Store manager Heidi Cutri ("Cutri") submitted a statement⁸³ indicating that she did not sign the inspection report or see Rogers in the store on April 23, 2012.

⁷⁸ **Exhibit P-5.**

⁷⁹ **Exhibit P-6.**

⁸⁰ **Exhibit P-7.** Inspection performed by Inspector Mellen.

⁸¹ **Exhibit P-8.**

⁸² **Exhibit P-9.**

⁸³ **Exhibit P-10**

As of the date of this report, statements have not been received from Kellie Sayle or Cheryl Schoter.

(3) Abercrombie and Fitch - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁸⁴ that indicated she inspected the UPC scanner system at Abercrombie and Fitch on April 23, 2012. On May 17, 2012, Cutright interviewed store manager Allie Tueita ("Tueita"). According to Tueita, only managers are authorized to sign the inspection reports. The following managers worked on April 23, 2012:

- Anthony Belviso
- Tom Barth

A copy of the inspection form was left with Tueita and she agreed to ask the managers on duty if they signed the form. On May 19, 2012, store manager Thomas Barth ("Barth") sent the AIG an email⁸⁵ indicating that he did not sign the inspection form. and he stated that the other manager who worked on April 23, 2012 did not sign the form either.

(4) Delias - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁸⁶ that indicated she inspected the UPC scanner system at Delias on April 23, 2012. On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(5) Pottery Barn Kids - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁸⁷ that indicated she inspected the UPC scanner system at Pottery Barn Kids on April 23, 2012. On July 3, 2012, Cutright obtained a written statement⁸⁸ from store general manager Lori Nelson ("Nelson"). Nelson indicates that she worked on April 23, 2012 from 8:00 a.m. until 5:00 p.m. Nelson provided an employee schedule⁸⁹ that listed the employees who worked on April 23, 2012:

- Lori Nelson (General Manager);
- Amy Lipe (Manager);
- Elizabeth Duffett (Manager);
- Colleen Jones;
- Dawn Jerele;
- Jennifer Perry;
- Jodie Jacobson; and
- Kenneth Hrabak.

⁸⁴ Exhibit P-11.

⁸⁵ Exhibit P-12.

⁸⁶ Exhibit P-13.

⁸⁷ Exhibit P-14.

⁸⁸ Exhibit P-15.

⁸⁹ Exhibit P-16.

Besides her, Nelson stated that Amy Lipe and Elizabeth Duffet were the only other employees authorized to sign documents on behalf of the store on that day. Nelson did not interact with Rogers or any other County employee on April 23, 2012. Nelson stated that she did not sign the form and the signature on the form does not belong to any of the managers that worked on the day in question. In addition, Nelson noted that the SKU numbers listed on the inspection form do not match any products in the store. Most merchandise at the store has a seven (7) digit SKU numbers while the items listed on the form have five (5) digit SKU numbers.

Store manager Amy Lipe ("Lipe") submitted a written statement⁹⁰ indicating that she has never seen Rogers conduct an inspection in the store. Lipe also stated that the signature on the inspection report does not belong to her or any of the managers currently employed at the store.

The third manager, Elizabeth Duffett ("Duffet"), did not submit a statement form because she worked from 4:15 p.m. until 9:00 p.m. on April 23, 2012.

April 24, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 24, 2012⁹¹ indicates that Rogers reported that her first inspection was at the Beachwood Mall. The Weights and Measures p.m. call-in report for Rogers on April 24, 2012⁹² indicates that Rogers reported that her last inspection was at the Beachwood Mall. The following is a summary of the review of each inspection report submitted by Rogers on April 24, 2012:

(1) Aldo - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁹³ that indicated she inspected the UPC scanner system at Aldo on April 24, 2012. On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(2) American Eagle - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁹⁴ that indicated she inspected the UPC scanner system at American Eagle on April 24, 2012. The inspection report contains an illegible signature on the store signature line, but "John S." is printed beneath the signature. On May 14, 2012, Cutright interviewed store manager Erin Richardson ("Richardson"). Richardson reviewed the inspection report. Richardson stated that there is no current employee named "John S" at the store. Richardson indicated that only managers are authorized to sign documents on behalf of American Eagle. The following managers worked on April 24, 2012:

⁹⁰ Exhibit P-17.

⁹¹ Exhibit Q-1.

⁹² Exhibit Q-2.

⁹³ Exhibit Q-3.

⁹⁴ Exhibit Q-4.

- Kristian Rauzan;
- Ren Cooper; and
- Erin Brazill.

On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(3) H&M - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁹⁵ that indicated she inspected the UPC scanner system at H&M on April 24, 2012. On May 14, 2012, Cutright interviewed store manager Karen Welch ("Welch"). Welch indicated that she did not recognize the signature on the form and was unable to locate the store copy of the inspection report.

On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(4) GNC - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁹⁶ that indicated she inspected the UPC scanner system at GNC on April 24, 2012. On May 17, 2012, Cutright interviewed store employee Steven Thomas ("Thomas"). Thomas reviewed the inspection form and indicated that the signature appeared to belong to his co-worker Margaret Foster ("Foster"). On June 4, 2012, Cutright interviewed Foster regarding the signature on the form. Foster acknowledged that the name on the inspection report appears to be hers, but stated that she does not remember signing it. Foster subsequently checked the store schedule and determined that she did not work on April 24, 2012.

On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(5) Justice - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁹⁷ that indicated she inspected the UPC scanner system at Justice on April 24, 2012. On May 17, 2012, Cutright interviewed store manager Brittany Komos ("Komos"). Komos did not initially recognize the signature on the inspection report and she was unable to locate a copy of the report in the store records. Komos worked on April 24, 2012 but she did not sign the form or speak with a representative from Weights and Measures.

⁹⁵ Exhibit Q-5.

⁹⁶ Exhibit Q-6.

⁹⁷ Exhibit Q-7.

After subsequent review of the inspection form, Komos stated that she believed the name signed on the inspection report was "Jaime Buisik". Jamie Busik ("Busik") was the store manager until 2010 and is currently working at the Legacy Village store in Lyndhurst.

According to Komos, most of the prices listed on the report are not accurate. Komos states that Justice changed their pricing structure approximately one year ago. In the past most item prices ended in \$.90, but the vast majority of items currently in the store now end in \$.00.

On that same day, Cutright interviewed Buisik, manager at the Justice store located at 25339 Cedar Road, Lyndhurst, Ohio. Buisik was the store manager at the Beachwood store until 2010. In 2010 Buisik transferred to the Lyndhurst Store where she currently works. On April 24, 2012, Buisik worked at the Lyndhurst store from 12:15 p.m. until 8:30 p.m. Buisik did not sign the inspection report or speak with a representative from Weights and Measures. Noting the price ending change cited by Komos, Buisik also stated that the pricing for the items seemed to be wrong on the inspection report.

On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(6) Lush - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report⁹⁸ that indicated she inspected the UPC scanner system at Lush on April 24, 2012. On June 19, 2012, Cutright obtained a written statement⁹⁹ from store manager Christie Knepp-Driscoll ("Knepp-Driscoll"). With the exception of a lunch break between 12 p.m. and 1 p.m., Knepp-Driscoll worked from 8 a.m. until 4:30 p.m. on April 24, 2012. Knepp-Driscoll states that she did not interact with Rogers or sign the inspection report on April 24, 2012. Knepp-Driscoll indicates that the following employees also worked April 24, 2012:

- Jessica Robinson;
- Courtney Cikach;
- Shari Furey-Schrembeck; and
- Alex Popko (No longer employed by Lush).

Knepp-Driscoll believes that these employees would have immediately notified her if they were approached by a County inspector. She was not notified of any such occurrence. Knepp-Driscoll states that the name signed on the report appears to be "Lauren Hendricks". Lauren Hendricks was employed by Lush from February 2010 through May 2010. Knepp-Driscoll subsequently sent the AIG an e-mail¹⁰⁰ with Lauren Hendricks' official employment dates and a list of the employees that worked on April 24, 2012.

⁹⁸ Exhibit Q-8.

⁹⁹ Exhibit Q-9.

¹⁰⁰ Exhibit Q-10.

In addition, Knepp-Driscoll claimed that several of the products listed on the report are not carried in her store. For example, the "Shave the Planet" item is only available through the store's website and Lush does not make products called syrup lotion or showering cream.

Store employee Courtney Cikach ("Cikach") submitted a written statement¹⁰¹ indicating that she did not come in contact with Rogers or sign an inspection report while working at Lush on April 24, 2012. Cikach also stated that some of the items on the report are not consistent with the store's inventory on April 24, 2012.

Store employee Jessica Robinson ("Robinson") submitted a written statement¹⁰² indicating that she worked at Lush from 9 a.m. to 5 p.m. on April 24, 2012. Robinson did not come in contact with Lisa Rogers and did not sign the inspection report on the day in question. Robinson then noted that the store does not carry the "Syrup Lotion" or "Shave the Planet" products listed on the report. In addition, some of the items on the report are not consistent with the store's inventory on April 24, 2012. Robinson believes the following items are priced incorrectly on the inspection report:

Product	Price Written on Inspection Report	Store Price
CoCo Lotion	\$19.95	\$21.95
Volcano Foot Mask	\$19.95	\$21.95
Charity Pot	\$20.95	\$21.95

Store employee Shari Schrembeck ("Schrembeck") submitted a written statement¹⁰³ Schrembeck, however, did not work during the regular Weights and Measures business hours. Schrembeck did, though, indicate that she believed that several of the items listed on the report are inconsistent with the product that would have been in stock on April 23, 2012.

(7) The Gap - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report¹⁰⁴ that indicated she inspected the UPC scanner system at the Gap on April 24, 2012. This report appears to have the name "Katherine Golfe" printed on the store representative signature line. On May 14, 2012, Cutright interviewed store manager Tessa Kaminski ("Kaminski"). Kaminski reviewed the inspection report and stated that the Gap in Beachwood does not currently employ a person named "Katherine Golfe". Kaminski, however, believes there was a store manager by that name who left the store approximately one (1) year ago. Kaminski was unable to locate a copy of the inspection report in her files.

¹⁰¹ Exhibit Q-11.

¹⁰² Exhibit Q-12.

¹⁰³ Exhibit Q-13.

¹⁰⁴ Exhibit Q-14.

On June 5, 2012, Cutright left statement forms for management to complete and return to this Agency. Store manager Tamara Dunn, however, stated that store policy restricts the employees from providing any additional information.

April 25, 2012 Inspection Reports

The Weights and Measures a.m. call-in report for April 25, 2012¹⁰⁵ indicates that Rogers reported that her first inspection was at the Beachwood Mall. The Weights and Measures p.m. call-in report for Rogers on April 25, 2012¹⁰⁶ indicates that Rogers reported that her last inspection was at the Beachwood Mall. The following is a summary of the review of each inspection report submitted by Rogers on April 25, 2012:

(1) Express - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report¹⁰⁷ that indicated she inspected the UPC scanner system at Express on April 25, 2012. On May 15, 2012, Cutright interviewed store managers Erin McNerney ("McNerney") and Tiffany Nichol ("Nichol"). McNerney and Nichol indicated that only managers are authorized to sign documents on behalf of Express. McNerney and Nichol did not recognize the signature on the inspection report and both denied signing the report. The following managers worked on April 25, 2012.

- Erin McNerney;
- Tiffany Nichol; and
- Natalie Smith.

McNerney and Nichol noticed some inconsistencies with the products listed on the report. For example, the report indicated that Rogers checked the pricing of a "headband" and a "bra". This Express store, however, has not carried hair products or lingerie in over a year.

On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

(2) Cache - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report¹⁰⁸ that indicated she inspected the UPC Scanner system at Cache on April 25, 2012. While the store representative signature on this form is illegible, the name "Christy" is printed below the signature. On June 7, 2012, Cutright obtained a written statement¹⁰⁹ from store manager Leslie Hendricks ("Hendricks"). Hendricks did not recognize the signature on the inspection report and was unable to locate a copy of the report in the store records. Hendricks stated that there is not a current employee named "Christy". During

¹⁰⁵ Exhibit R-1.

¹⁰⁶ Exhibit R-2.

¹⁰⁷ Exhibit R-3.

¹⁰⁸ Exhibit R-4.

¹⁰⁹ Exhibit R-5.

Cutright's interview with Hendricks she recalled that there was a manager named Christy Deskalesku employed at this store until November of 2010.

According to Hendricks' written statement, she did not interact with Rogers or sign the inspection report on April 25, 2012. Hendricks states that the following employees worked on April 25, 2012:

- Leslie Hendricks (Store Manager);
- Diane Bourguin (Manager); and
- Maxine Epstein.

In addition, Hendricks believed that the items listed on the inspection were not from the current season/style.

Manager Diane Bourguin ("Bourguin") submitted a written statement¹¹⁰ indicating that she did not interact with Rogers or sign the inspection report on April 25, 2012. Bourguin also stated that the signature does not belong to any of the current staff members.

Store employee Maxine Epstein ("Epstein") submitted a written statement¹¹¹ indicating that she did not recall anyone scanning store merchandise and she did not recognize the photo of Rogers.

(3) Lucky Brand Jeans - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report¹¹² that indicated she inspected the UPC Scanner system at the Lucky Brand Jeans on April 25, 2012. The inspection report appears to have been signed by an employee named "Jen Sherrets". On May 14, 2012, Cutright interviewed store supervisor John Russell ("Russell"). Russell reviewed the inspection report prepared by Rogers and stated that there is not an employee at the store named "Jen Sherrets". Russell was unable to locate a copy of the inspection report in his files.

On that same day, Cutright interviewed store manager Josh Deckerd ("Deckerd"). Deckerd subsequently sent an email¹¹³ to the AIG on June 4, 2012. The e-mail stated that there was not an employee named Jen Sherrets employed at the store on the date in question. The e-mail, though, indicates that there was an employee named Jen Sherrets who worked for the store in 2011.

On June 5, 2012, Cutright left statement forms for management to complete and return to the AIG. As of the date of this report, the requested statements have not been received by the AIG.

¹¹⁰ Exhibit R-6.

¹¹¹ Exhibit R-7.

¹¹² Exhibit R-8.

¹¹³ Exhibit R-9.

(4) Aeropostle - 26300 Cedar Road, Beachwood, OH

Rogers submitted a UPC Scanner System Inspection Report¹¹⁴ that indicated she inspected the UPC Scanner system at Aeropostle on April 25, 2012. On June 5, 2012, Cutright left statement forms for management to complete and return to this Agency. As of the date of this report, the requested statements have not been received by the AIG.

Referral for Criminal Investigation

After a careful review of the preliminary evidence collected in this investigation, the AIG concluded there is sufficient evidence to establish reasonable grounds to believe that a violation of state law has occurred. Accordingly, on August 14, 2012 a Preliminary Investigation Report regarding this matter was provided to the Cuyahoga County Prosecutor's Office.¹¹⁵

Subject Interview

Cuyahoga County Inspector General Nailah Byrd ("Byrd") and Deputy Inspector General Matthew Hawes ("Hawes") interviewed Rogers August 15, 2012. Rogers acknowledged that her job duties include performing on site inspections of scales, pre-packaged items and UPC scanning devices. Rogers indicated that she is required to document her inspections by completing an official inspection report that details the equipment/products that were checked during the inspection. The inspection form is signed by the inspector and a representative from the store that is the subject of the inspection. The original copy of the inspection is returned to Weights and Measures management while a yellow carbon copy is left with the store representative.

Upon being presented with the evidence collected during the preliminary investigation into this matter, Rogers consistently maintained that she completed every inspection documented on the submitted inspection report. Rogers denied that she fraudulently created the inspection reports and/or forged the store representative signatures on the above-identified inspection reports. Rogers, though, made several statements to the effect that she sometimes struggles with keeping accurate records, including properly documenting accurate dates on her inspection reports. Rogers stated that she is very "scattered" and finds it difficult to be accurate with her reports. Rogers cites her "scattered" nature as the reason that she does not submit requests for mileage reimbursement. Rogers noted that the environment in Weights and Measures has changed since she returned from medical leave in that inaccuracy is no longer tolerated by management. Rogers admits that she is having some difficulty adjusting to this environment.

Rogers adamantly maintained that she conducted each inspection, although she could not offer any detailed explanations for the discrepancies noted above. For example, Rogers offered no explanation when asked why the signature of a store manager that had not worked at a particular store in over a year appeared on her inspection report.

¹¹⁴ Attached as **Exhibit R-10**.

¹¹⁵ Section 2(c)(iv) requires the AIG to notify the appropriate law enforcement entity when an investigation reveals reasonable grounds to believe that a violation of any state, federal, or local law, rule, regulation or policy has taken place.

Rogers steadfastly asserted that “whoever signed my paperwork is who I met with at the store”. Rogers repeatedly requested that the AIG go to the stores and check for the seals. Rogers stated that if the “seals are at the store, I was obviously there.”

Post-Subject Interview Investigation

The AIG subsequently met with Dobeck to discuss Rogers’ assertion regarding the seals. Dobeck indicates that Weights and Measures changed its policy regarding placing seal stickers on inspected items over the past year. Dobeck states that Weights and Measures now only “seal” (i.e., place sticker on) actual measuring equipment (e.g., scales). Other equipment, such as UPC scanning equipment, are no longer “sealed” by Weights and Measures staff. The AIG then proceeded to check several of the measuring devices that were identified in Rogers’ inspection reports. This review revealed that the scales at Lush¹¹⁶, Cheryl & Co./ Fannie May Candies¹¹⁷, and Caribou Coffee¹¹⁸ were all sealed with stickers indicating that they were last inspected in 2011 **not** in 2012 as stated in Rogers’ reports.

CONCLUSION(S) & RECOMMENDATION(S)

After a careful review of the evidence collected in this investigation, it is our opinion that there is sufficient evidence to establish reasonable grounds to believe that a violation of the following rules, regulations, and/or policies governing Rogers occurred:

- Personnel Policies and Procedures Manual Section 13.08:
 - *Dishonesty* (“Falsification of employment records or other County records in manual or automated systems, including falsification of stated reason for the use of leave”);
 - *Failure of Good Behavior* (“performing an act which constitutes a felony under the laws of the United States, the State of Ohio or the jurisdiction in which the act was committed”); and
 - *Neglect of Duty* (“Egregious, flagrant or willful neglect in the performance of assigned duties”).

Accordingly, it is our recommendation that this matter be referred to the Cuyahoga County Executive and the Department of Human Resources for review for potential disciplinary action. In addition, this matter should be referred to the Fiscal Officer to ensure that the stores identified in this report are inspected by a different Weights and Measures inspector.

This investigation also raises significant concerns regarding the level of accountability of Weights and Measures inspectors. Based on the information obtained in this

¹¹⁶ See photograph attached as **Exhibit S**.

¹¹⁷ See photograph attached as **Exhibit T**.

¹¹⁸ See photograph attached as **Exhibit U**.

investigation, the following current policies/procedures were identified as contributing to Rogers' ability to commit fraud/abuse:

- Inspectors use their own vehicles and submit for mileage reimbursement. The use of personal vehicles inhibits the ability of the County to accurately monitor mileage and use GPS tracking.
- Inspectors are permitted to start each work day at the first inspection site and leave directly from their final inspection site. The inspector is simply required to call the office with their location at the start of each work day, lunch time and at the end of the work day. These calls are permitted to be made from the employee's personal cellular phone, thus negating the ability to easily track the actual location of the phone call.
- Inspectors are given wide discretion in determining their inspection schedules so long as they complete their broad region-based requirements. The inspectors are not given detailed daily or weekly productivity targets. Inspection reports are submitted during a mandatory weekly meeting that is held in the County Administration Building.

In conducting this investigation, the AIG discovered a Written Reprimand¹¹⁹ issued to Weights and Measures inspector Robert Chisholm ("Chisholm") on June 13, 2011. The Written Reprimand addresses Chisholm's low productivity (two stores per day). The Written Reprimand notes that Chisholm admitted to sitting in his car in front of stores from 8 a.m. to 10 a.m. because the stores often do not open until 10 a.m. This behavior is further evidence of the lack of accountability provided by the current policies and procedures in Weights and Measures.

The AIG attempted to survey four (4) weights and measures departments that are comparable to Cuyahoga County Weights and Measures in both size and function. Representatives from the Franklin County Department of Weights and Measures and the City of Columbus Department of Weights and Measures were responsive. These departments provided the following information regarding current practices/policies that they employ to enhance inspector accountability:

- Employees report to the office at the start and the end of the day.
- Employees complete forms detailing daily activity that are submitted to management at the end of each work day.
- Employees are provided vehicles. This provides the possibility of monitoring activity through a vehicle-based GPS device.

¹¹⁹ Exhibit V.

- Management provides inspectors with a daily schedule that lists businesses to visit and inspections to perform.
- Employees use software specifically designed for weights and measures inspections. This software is loaded onto laptops which are provided to inspectors for use in the field. The software allows management to better document inspections as well as track productivity.

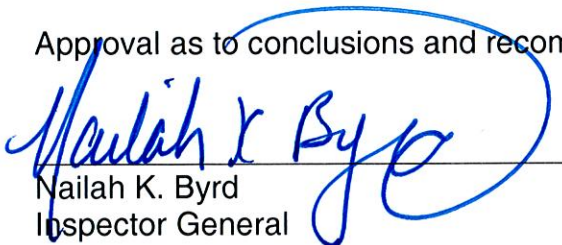
It is the recommendation of the AIG that the Cuyahoga County Fiscal Officer ("Fiscal Officer") review employee reporting and employee monitoring practices in Weights and Measures. In conducting this review, the Fiscal Officer should consider the feasibility of implementing some/all of the practices identified above. Fortunately, it appears that the new supervisor of Weights and Measures, Dobeck, is demonstrating a commitment to addressing these issues, including the drafting of formal operational handbook for Weights and Measures. The Fiscal Officer, though, should ensure that the policies adopted for Weights and Measures adequately address the issues identified in this report.

Accordingly, the AIG is requesting that the Fiscal Officer provide the AIG a response detailing his efforts to address the issues identified in this report. The AIG requests that this response be provided to the AIG within sixty (60) days of the issuance of this report.



Matthew Hawes
Deputy Inspector General

Approval as to conclusions and recommendations:



Nailah K. Byrd
Inspector General

8/20/12
Date